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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,701	02/02/1999	BRADFORD H. NEEDHAM	INTL-0159-US	2823

7590

05/11/2005

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EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/243,701

Applicant(s)

NEEDHAM ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/5/2002 (Appeal Brief).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-15, 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on June 5, 2002 and based on the Board of Appeals "affirmed-in-part" decision, PROSECUTION IS HEREBY REOPENED. A new ground of rejection for claims 15-21 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffberg, U.S. Patent No. 6,791,472.

Regarding claim 15, Hoffberg discloses a server (20) (col. 28, lines 2-11) that receives audio messages from vehicles (i.e. commercial/sound message) (col. 22, lines 31-38, col. 30, lines 46-65) and transmits those messages to other vehicles (col. 28, lines 37-66), and a storage medium (20) adapted to store said messages for access based on the position of the vehicle that transmitted the message (col. 36, line 49-col. 38, line 8).

Regarding claim 16, Hoffberg discloses the system of Claim 15 wherein said messages include appended vehicle position information (col. 26, lines 45-50).

Regarding claim 17, Hoffberg discloses the system of Claim 16 wherein said messages include appended vehicle direction information (col. 18, lines 50-65, col. 22, lines 41-55).

Regarding claim 18, Hoffberg discloses the system of Claim 15 including a radio frequency transmission device (col. 27, lines 49-63; figure 1).

Regarding claim 19, Hoffberg discloses the system of Claim 18 including a cellular telephone link (col. 28, lines 12-17; figure 1).

Regarding claim 20, Hoffberg discloses the system of Claim 15 wherein the system adapted to time stamp messages (col. 18, line 66-col. 19, line 3, col. 30, lines 20-30).

Regarding claim 21, Hoffberg discloses the system of Claim 20 adapted to discard messages based on their time stamp (col. 22, lines 58-60).

4. Claims 22-25 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondou et al (Kondou), U.S. Patent No. 6,073,075.

Regarding claim 22, Kondou discloses a processor-based system mountable in a vehicle, the system comprising a processor , a position locating device coupled to said processor (col. 6, lines 51-61; figure 8), a transmitter adapted to transmit requests for information with appended position information (col. 5, lines 6-21), and wherein said processor sorts received information based on appended position information and identifies that information when the vehicle to proximate to a location associated with the information (col. 5, lines 52-56 and col. 6, line 62-col. 7, line 17).

Regarding claim 23, Kondou discloses the system of Claim 22 wherein said transmitter is a radio frequency transceiver (col. 7, lines 3-17).

Regarding claim 24, Kondou discloses the system of Claim 22 wherein said transmitter is adapted to append compass information (e.g. GPS information) (col. 7, lines 7-17).

Regarding claim 25, Kondou discloses the system of claim 22 wherein said system is adapted to receive information previously transmitted and stored and then relayed to the vehicle, based on the vehicle's position (col. 5, lines 52-56, col. 6, lines 47-61 and col. 7, lines 3-17).

Regarding claim 27, Kondou discloses the system of Claim 22 wherein inherently, the transmitter is adapted to append information that identifies the transmitter

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as evidenced by the fact the system knows which terminal to download information to(col. 5, lines 30-35).

Regarding claim 28, Kondou discloses the system of Claim 22 adapted to transmit audio files (col. 6, lines 17-21).

Regarding claim 29, Kondou discloses the system of Claim 22 adapted to receive audio files (col. 6, lines 17-21).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida, U.S. Patent No. 5,699,056, discloses a traffic information system.

Shyu, U.S. Patent No. 5,428,544, discloses a traffic information inter-vehicle transference and navigation system.

Golding, U.S. Patent No. 5,933,100, discloses an automobile navigation system with dynamic traffic data.

Alewine et al, U.S. Patent No. 6,150,961, discloses automated traffic mapping.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

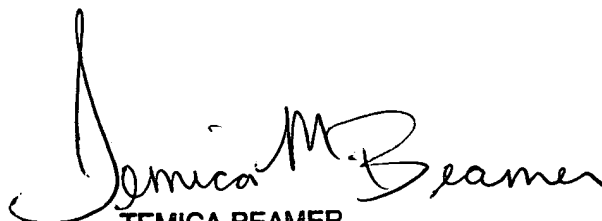
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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

May 6, 2005



TEMICA BEAMER
PRIMARY EXAMINER